

109TH CONGRESS
1ST SESSION

S. 1226

To provide jurisdiction over Federal contractors who engage in human trafficking offenses.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2005

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide jurisdiction over Federal contractors who engage in human trafficking offenses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Contractor
5 Extraterritorial Jurisdiction for Human Trafficking Of-
6 fenses Act of 2005”.

7 **SEC. 2. FEDERAL CONTRACTOR EXTRATERRITORIAL JU-**
8 **RISDICTION.**

9 Chapter 77 of title 18, United States Code, is amend-
10 ed by adding at the end the following:

1 **“§ 1596. Federal contractor extraterritorial jurisdic-**
2 **tion**

3 “(a) Whoever, while a Federal contractor, engages in
4 conduct outside the United States that would constitute
5 a violation of this chapter punishable by imprisonment for
6 more than 1 year if the conduct had been engaged in with-
7 in the special maritime and territorial jurisdiction of the
8 United States shall be punished as provided for that of-
9 fense.

10 “(b) No prosecution may be commenced against a
11 person under this section if a foreign government, in ac-
12 cordance with jurisdiction recognized by the United
13 States, has prosecuted or is prosecuting such person for
14 the conduct constituting such offense, except upon the ap-
15 proval of the Attorney General or the Deputy Attorney
16 General (or a person acting in either such capacity), which
17 function of approval may not be delegated.

18 “(c) An individual who is a victim of a violation of
19 this chapter by a Federal contractor may bring a civil ac-
20 tion against the perpetrator under section 1595 if a civil
21 action would have been authorized under section 1595 had
22 the conduct been engaged in within the special maritime
23 and territorial jurisdiction of the United States.

24 “(d) As used in this section, the term ‘Federal con-
25 tractor’ means a person who—

1 “(1) is employed as a contractor (including a
2 subcontractor at any tier), or as an employee of a
3 contractor (or subcontractor at any tier), of any ex-
4 ecutive agency, as that term is defined in section
5 4(1) of the Office of Federal Procurement Policy
6 Act (41 U.S.C. 403(1));
7 “(2) is present or residing outside the United
8 States in connection with such employment; and
9 “(3) is not a national of or ordinarily resident
10 in the country where the violation occurred.”.

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